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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,867	08/22/2001	Joel Erwin Goldstein	06170 USA	9264
23543	7590	01/21/2004	EXAMINER	
AIR PRODUCTS AND CHEMICALS, INC. PATENT DEPARTMENT 7201 HAMILTON BOULEVARD ALLENTOWN, PA 181951501			GUARRIELLO, JOHN J	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,867

Applicant(s)

GOLDSTEIN ET AL.

Examiner

John J. Guarriello

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

15. The Examiner acknowledges the response of 9/12/2003, the amendment to claims 1, 3, and 11.

The Examiner acknowledges the affirmation of the restriction, Group I, claims 1-20 and withdraws Group II, claim 21 as to the non-elected invention. Restriction is made final for reasons of record.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Richards et al. 5,629,081.

Rejection is maintained substantially as in paper of 6/16/2003.

Applicant's arguments regarding the amount of boric acid and borate salt derivatives has been considered, but it is the Examiner's position that Richards describes, (column 2, lines 65-67) about or from about 0.1% of boric acid as the lower limit of boric acid and this about would be near the amount as now amended by the claimed invention. Thus, one of ordinary skill in the art, as Richard describes column 4, lines 7-9) would still be able to produce the claimed invention.

Richards describes pre-moistened dispersible and biodegradable wet wipe which comprises a web of non-woven fibers contacted (corresponding to the claimed bonded) with polyvinyl alcohol, PVA, (corresponds to the claimed polymeric binder, (see abstract; column 2, lines 58-67). Richards describes an aqueous stabilized PVA emulsion or blend or combination thereof, (column 2, ines 62-64). Richards describes a aqueous lotion (corresponding the claimed water binding compound) containing about 0.1 to 0.9% by wt., of lotion of boric acid (corresponding to the claimed substantially free of boric acid), (column 2, lines 64-67). Richards describes PVA emulsions with an aqueous

lotion solution with propylene glycol (corresponding to a humectant), and cocoamphodiacetate and polysorbate salts, (column 3, lines 5-19). It is still the Examiner's position that the reference describes the essential limitations of the claimed invention. Claims lack novelty.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 3, 6, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. 5,629,081 in view of Daniels et al. 4, 245,744.

Rejection is maintained substantially as in paper of 6/16/2003.

Applicant's arguments regarding Richards have been answered in paragraph # 17 above.

Richards as above in paragraph # 17 above. Richards differs from the claimed invention because it is silent about the alkali metal salts of sulfate.

Daniels describes impregnated towelettes corresponding to the premoistened wet wipe of the claimed invention, (see abstract). Daniels describes impregnated with PVA and some boric acid and metal salts, (see abstract; column 5, lines 65-68; column 6, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wet wipe of Richards with the sulfate salts of Daniels motivated with the expectation that similar gelling action with PVA would be expected since the alkali bicarbonate salt of Richards is an alkali salt similar to the alkali salts of Daniels.

20. Applicant's amendment to the claims 1, 3, and 11 have removed the 112 second paragraph rejection. Applicant's arguments regarding

the rejection and the amendment prompted the withdrawal of the 112 rejection under the second paragraph.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J.

Guarriello whose telephone number is 571-272-1476. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.



John J. Guarriello:gj

Patent Examiner

January 6, 2004



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700